

**BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550**

IN THE MATTER OF	)	DATE: December 13, 2005
	)	
Shirley A. Alexander	)	DOCKET NO.: 05F-045
Member	)	
Developmental Disabilities State Planning	)	
Council	)	
2801 – 14 <sup>th</sup> Street, NW, #118	)	
Washington, DC 20009	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information and Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), Shirley A. Alexander, Member, Developmental Disabilities State Planning Council (Council), failed to timely file, a Financial Disclosure Statement for calendar year 2004, on or before May 16, 2005, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 13, 2005.

By Notice of Hearing, Statement of Violations and Order of Appearance dated September 6, 2005 OCF ordered Shirley A. Alexander (hereinafter respondent), to appear at a scheduled hearing on September 16, 2005, and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2004, on or before June 13, 2005.

On September 15, 2005, the respondent filed a letter with OCF stating she mailed two (2) Financial Disclosure Statements to OCF in April 2005 and in June 2005. Respondent further stated that she spoke to a female member of OCF's staff concerning the aforementioned filings, and assumed that OCF was in possession of the m when she

**IN THE MATTER OF: Shirley A. Alexander**

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heard nothing further from the agency. On September 23, 2005, the respondent contacted the Hearing Officer to advise that she had broken her hand, and would be unable to execute another FDS without assistance. On September 30, 2005, the respondent appeared at OCF to execute an FDS, and to formally provide a record for the filing delinquency. Having been duly sworn, the respondent affirmed that she mailed Financial Disclosure Statements to OCF on two (2) prior occasions in April and June of 2005. Respondent further stated that she resigned her membership on the Council in mid-May 2005. Respondent filed the required Financial Disclosure Statement with OCF on September 30, 2005.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed the Financial Disclosure Statement for calendar year 2003 on April 29, 2004.
2. Respondent resigned her membership on the Council in May 2005.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2004, on or before June 13, 2005.
4. Respondent filed the required Financial Disclosure Statement on September 30, 2005.
5. Respondent has no history of prior filing delinquencies.
6. Respondent provided a credible explanation for the filing delinquency because she believed she mailed the required Financial Disclosure Statement on two (2) prior occasions during the filing period; and, it is more likely than not that she did so in view of her conversation with an OCF staff member.
7. Respondent is currently in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.

2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, in that she believed she mailed Financial Disclosure Statements on two (2) prior occasions during the filing period, and about which she spoke with an OCF staff member, coupled with a favorable filing history, constitute good cause for suspension of the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs  
Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams  
General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

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**Date**

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**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order on Shirley A. Alexander, by regular mail, on December 13, 2005.

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**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.